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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,053	12/20/2000	Kiyonori Shiraki	NIT-244	5572
24956	7590	08/10/2004	EXAMINER	
MATTINGLY, STANGER & MALUR, P.C. 1800 DIAGONAL ROAD SUITE 370 ALEXANDRIA, VA 22314			MAGEE, CHRISTOPHER R	
		ART UNIT	PAPER NUMBER	
		2653	12	
DATE MAILED: 08/10/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/740,053	SHIRAKI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Christopher R. Magee	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 17 May 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-6 and 10-16 is/are pending in the application.  
 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.  
 5) Claim(s) 1-6, 10 and 11 is/are allowed.  
 6) Claim(s) 12 is/are rejected.  
 7) Claim(s) 13-16 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 17 May 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)                    4) Interview Summary (PTO-413)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)                    Paper No(s)/Mail Date. \_\_\_\_\_.  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.                    5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment .***

1. The reply filed 05/17/2004 was applied to the following effect: All relevant objections and 35 USC § 112 rejections are withdrawn as being satisfied.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

2. Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Applicant's Admitted Prior Art (hereinafter AAPA) (pg. 3, lines 4-15; Fig. 2).

- Regarding claim 12, AAPA shows an integrated thin film head, comprising:
  - a lower shield layer (4) formed on a substrate;
  - a lower readgap layer (7) formed on said lower shield layer (4);
  - a MR sensor layer (1) formed on said lower readgap layer (7);
  - a lead layer (2) joined with said MR sensor layer (1);
  - an upper lead layer (3) formed partially in contact with said lead layer (2);
  - an upper readgap layer (6) formed to cover said MR sensor layer (1), lead layer (2) and upper lead layer (3); and
  - an upper shield layer (5) formed on said upper readgap layer (6),

wherein said lead layer (2) includes a first part including a part in contact with said MR sensor (1) and a second part which is continuous with said first part and is thinner than said first part, and said portion of said upper lead layer (3) overlaps said second part of said lead layer (2) (see attached Figure 2).

*Allowable Subject Matter*

3. Claims 1-6, 10 and 11 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 1 and 4 specify an integrated thin film head, which requires:

*"a thickness of a part of the lead layer in contact with upper lead layer is less than a thickness (a) of a part of the lead layer not in contact with the upper lead layer, and thickness (c) < (thickness (a) + thickness (b)), where thickness (c) is the total thickness of the lead layer and the upper lead layer where the position of the upper lead layer is in contact with the lead layer, and thickness (b) is the thickness of a portion of the upper lead layer not in contact with the lead layer."*

The Applicant's Admitted Prior Art (AAPA) discloses thickness (c) = (thickness (a) + thickness (b)), where thickness (c) is the total thickness of the lead layer and the upper lead layer where the position of the upper lead layer is in contact with the lead layer, and thickness (b) is the thickness of a portion of the upper lead layer not in contact with the lead layer. The AAPA does not teach or suggest the applicant's invention as claimed.

4. Claims 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

5. Applicant's arguments, see pages 19-20, filed 5/17/2004, with respect to the rejection(s) of claim(s) 1 and 4 under the Applicant's Admitted Prior Art (AAPA) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection of claim 12 is made in view of the Applicant's Admitted Prior Art (AAPA).

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee  
Patent Examiner  
Art Unit 2653

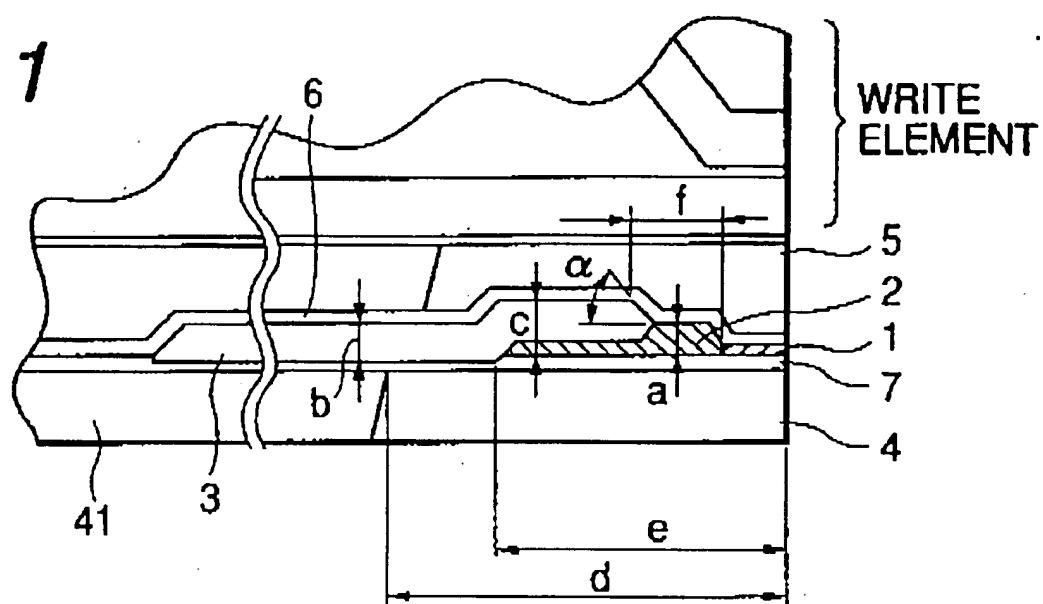
August 9, 2004

A. J. HEINZ  
PRIMARY EXAMINER  
GROUP ~~2653~~ 2653



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IG, 1



IG. 2  
R ART

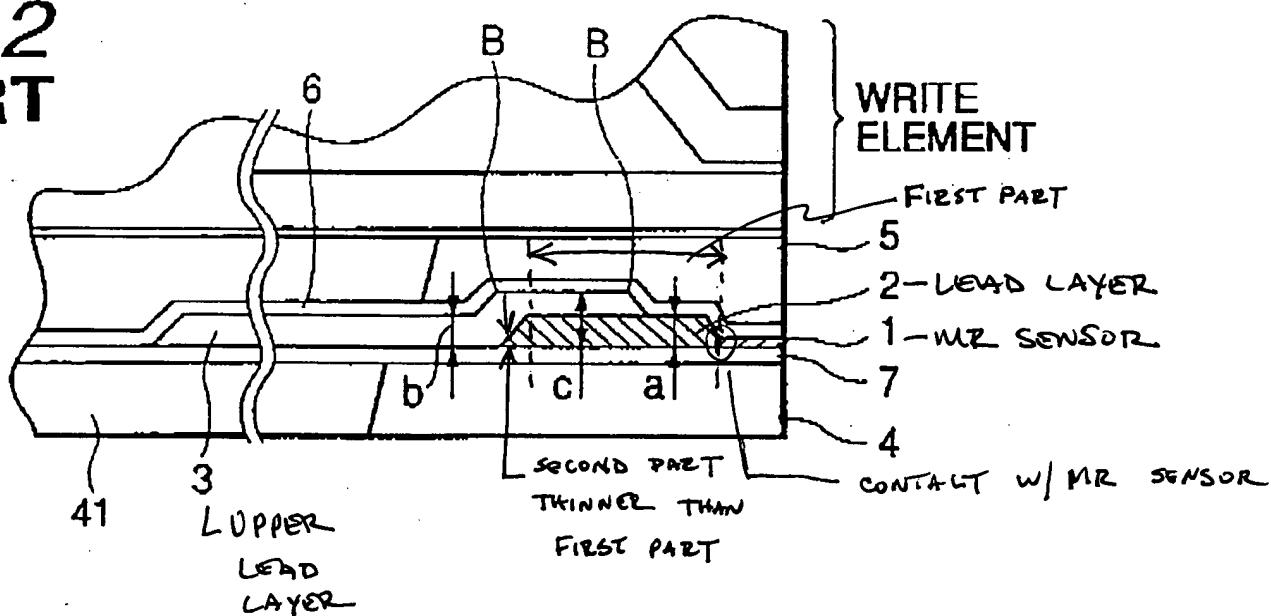


FIG. 3  
R ART

